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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,962	02/25/2004	Yuichi Murakami	Q80023	8463
23373	7590	08/22/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			BENNETT, ZAHRA I	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,962

Applicant(s)

MURAKAMI ET AL.

Examiner

Zahra Bennett

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/6/04 and 8/16/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figures 1a and 1b show the reference number 15 and W2, however these references are not explained within the specifications. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the operation switch within claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Art Unit: 2875

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1-12 are objected to because of the following informalities:

The instant claims appear to be a direct translation of those in a prior Japanese case. Please amend the claims to be in proper English grammar and to be in proper US form.

Note the following examples are unclear:

Art Unit: 2875

Claim 1 contains the phrase 'at outside' and 'at the handle'.

Claim 1 also contains the phrase 'a user's intent'. Although operation of the device is detailed in the specification, it is the user's actions, not "intent", that are detected.

Claim 5 contains the phrase 'the controlling means detects one of the detecting of the users intent for locking and the locking of the vehicle doors, and intermittently activates the luminous member when the controlling means detects the other of the detecting of the user's intent' for locking and locking the vehicle doors'. Further explanation of this objection is explained within the Claim Rejections - 35 USC 112.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-7, 11, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2, 5-12 contains phrases that are ambiguous. For example, claim 2 contains the phrase 'detects the user's intent.' It is unclear how the device detects the user's intent for unlocking and locking the vehicle doors. In another example, claim 5 contains the phrase 'the controlling means detects one of the detecting of the users intent for locking and the locking of the vehicle doors, and intermittently activates the luminous member when the controlling means detects the other of the detecting of the user's intent' for locking and locking the vehicle doors'. Here it is unclear how the controlling means detects the users intent and what the

controlling means is actually detecting. It also unclear what the user is locking when the claim states 'for locking'.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hulse (US Patent 6,164,805). Hulse teaches a handle frame (Fig. 8: shown behind handle 800 and 810) disposed at the vehicle door. There is also a handle member (Fig. 8: 800) located outside the vehicle door, which is supported by the handle frame and for opening and closing the vehicle door. The handle frame supports a handle cap (Fig. 8: 815) at the vehicle door. The handle cap has a light decorative member (Fig. 8: 825) and a luminous member (Fig. 8: 705) along the handle. The light guiding means (Fig. 8: 715) is disposed between the light decorative member (Fig. 8: 825) and the luminous member (Fig. 8: 705).

However, Hulse does not show the luminous member disposed at the handle frame to be responsive due to the locking and the unlocking of the vehicle doors. Hulse also does not disclose that the luminous member has different properties. It would have been obvious to one of ordinary skill at the time of the invention to make the luminous

Art Unit: 2875

member responsive to locking and unlocking the door, so that the light within the handle does not stay on all the time. Furthermore, it would have been obvious to one of ordinary skill at the time of the invention to give the luminous members different properties to display a distinguished signal as to whether the vehicle door is locked or unlocked.

Claims 2,3,5,8, and 10, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hulse as applied to claim 1 above, and further in view of Klein (US Patent 6,648,493). Hulse does not disclose a portable unit, which detects the users intent to lock and unlock the vehicle doors. In a similar device, Klein teaches a portable unit (Column 1, lines 52-63), which detects the users intent to unlock the vehicle doors in response to the operation of the handle member by the user as the portable unit moves toward the vehicle from the outside. The portable unit is also able to activate the luminous member at the handle of the vehicle (Column 1, lines 52-63). Klein further teaches a sensor (Figure: 15) disposed at the handle member for detecting a touch of the users body (Column 2, lines 8-12).

With respect to claim 2, it would have been obvious to one of ordinary skill at the time of the invention to use a portable unit with the device of Hulse, so access to the car can be obtained remotely. Furthermore, it would have been obvious to one of ordinary skill at the time of the invention to lock the door in response to the portable unit moving away from the vehicle so when the user exits the car is automatically secure.

With respect to claim 3, it would have been obvious to one of ordinary skill at the time of the invention to use a sensor in the device of Hulse, so the vehicle recognizes that an authorized user desires to enter the vehicle.

With respect to claims 5 and 10, it would have been obvious to one of ordinary skill at the time of the invention to continuously and intermittently activate the luminous members, which have different properties in order to grab the user's attention to notify the user that the door is locked or unlocked.

With respect to claim 8, it would have been obvious to one of ordinary skill at the time of the invention to have the number of both the luminous member and the light decorative member plural in number, to have the greatest amount of illumination possible so the vehicle is visible from an extensive distance.

Claims 6, 7, 11, and 12 as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hulse and Klein as applied to claims 1 and 2 above, and further in view of Hyundai's 2002 Owner's Manual for the Santa Fe. Hulse does not disclose a portable unit, which detects the users intent to lock and unlock the vehicle doors. In a similar device, Hyundai discloses a portable unit (Figures on pg 1-5), which detects the users intent to lock and unlock the vehicle doors. In practice of the Hyundai's device, when the user exits the vehicle with intention of locking the doors the luminous member intermittently activates, (i.e. the turn signal lamps blink). When the user approaches the vehicle with intention of unlocking the doors the luminous member

Art Unit: 2875

continuously activates, (i.e. the interior lights illuminate) until the user opens the door using the handle member (Hyundai: 2002 Owner's Manual Santa Fe, pgs 1-4 – 1-6).

With respect to claims 6, 7, 11 and 12, it would have been obvious to one of ordinary skill at the time of the invention to use a portable unit with the device of Hulse, so that the luminous member at the handle frame turns the lights on when the door is either locked or unlocked. In addition, it would have been obvious to one of ordinary skill at the time of this invention to incorporate a detector for the portable unit with the device of Hulse, so the controlling means detects whether the portable unit has exited the vehicle. Combining the functions together, would have allowed the user to have visibility especially during low visibility due to whether or dark conditions as well as reducing the risk of leaving an item of the user's within the vehicle.

Allowable Subject Matter

Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The prior art fails to show or teach an operation switch at the handle member wherein the controlling means detects the operation of the handle member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zahra Bennett whose telephone number is 571-272-2267. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-2267.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RENEE LUEBKE
PRIMARY EXAMINER